

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Diana Keam	Team: Team # 8	CCRB Case #: 200503506	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Saturday, 04/02/2005 10:05 PM	Location of Incident: § 87(2)(b)	Precinct: 71	18 Mo. SOL 10/2/2006	EO SOL 10/2/2006	
Date/Time CV Reported Mon, 04/04/2005 10:19 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 04/04/2005 10:19 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Philip Ditto	26831	932557	071 PCT
2. SGT Eric Delman	01832	922228	071 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Eric Delman	Abuse: Sgt. Eric Delman entered and searched § 87(2)(b)	§ 87(2)(b)
B.POM Philip Ditto	Abuse: PO Philip Ditto entered and searched § 87(2)(b)	§ 87(2)(b)
C.POM Philip Ditto	Abuse: PO Philip Ditto refused to provide his name and shield number to § 87(2)(b)	§ 87(2)(b)
D.SGT Eric Delman	Force: Sgt. Eric Delman used physical force against § 87(2)(b)	§ 87(2)(b)
E.POM Philip Ditto	Force: PO Philip Ditto used physical force against § 87(2)(b)	§ 87(2)(b)

Synopsis

On April 4, 2005, § 87(2)(b) called the CCRB and made the following complaint. § 87(2)(b) stated that on April 2, 2005 officers entered and searched her place of business at § 87(2)(b) (Allegations A and B). § 87(2)(b) asked one of the officers to identify himself and he refused (Allegation C). § 87(2)(b) stated that when she asked one of the officers why they were there and if they had a search warrant the officer (PO1) pushed her (Allegation D). § 87(2)(b) also stated that the other officer (PO2) pushed her and caused her to fall to the ground (Allegation E). PO1 was later identified as Sgt. Eric Delman and PO2 was identified as PO Philip Ditto.

§ 87(2)(g)

Summary of Complaint

§ 87(2)(b) is a black female, 5'4" tall, with black hair and brown eyes. She is employed § 87(2)(b) in Brooklyn. Although the name of the establishment is § 87(2)(b) § 87(2)(b) stated that she does not own the business and is just an employee. § 87(2)(b) made three statements regarding this incident: one at the precinct on the date of incident (Enc.12), one via phone on April 8, 2005 (Enc.13), and the third at the CCRB on April 19, 2005 (Enc.14 a-f).

§ 87(2)(b) stated that on April 2, 2005 at approximately 10:00pm, she was working as a § 87(2)(b) when two officers arrived. § 87(2)(b) stated that the store officially closed at 9:30pm, but she was still there with seven customers who were eating and drinking in the dining room. The customers later told § 87(2)(b) that the officers burst through the front door and did not knock. § 87(2)(b) stated that the customers were male friends of hers who come by often and that no one was drinking alcohol.

§ 87(2)(b) stated she was behind the serving counter, looking in the refrigerator, when she looked up and saw an officer (PO1) entering the area behind the counter. § 87(2)(b) described the officer as a White male, about 6'0", slim build, in uniform, with gray short hair. § 87(2)(b) believed that PO1 was a sergeant, because he had three stripes on his shirt. PO1 had a flashlight in one hand and with the other he pushed § 87(2)(b) to the side so that he could examine the area behind her. (In her statement to IAB, § 87(2)(b) only alleged that PO2 pushed her.) PO1 then immediately started looking in the refrigerator and in the surrounding area. § 87(2)(b) then said to PO1, "Officer, what is going on? Can you identify yourself?" PO1 did not say anything. At that point, another officer (PO2) came around behind the counter as well. § 87(2)(b) described PO2 as a White male, about 5'4", chubby, in uniform, with dark brown short hair. The area they were all standing in was rather small and that she tried to give the officers room for whatever they were doing.

After a few moments, PO2 walked out from behind the serving counter and started walking towards the kitchen in a separate room. § 87(2)(b) followed him and watched him open the kitchen door. She stood near the stove. § 87(2)(b) asked PO2 to identify himself, and asked him whether or not he had a search warrant. PO2 shoved her in the chest with both of his hands and she fell to the ground and into a wall. She hit her back against the wall, but was not seriously injured. Although she did state that she felt a little pain in her chest, § 87(2)(b) got up from the ground, went into the main dining area, and announced that PO2 had hit her in the chest. § 87(2)(b) stated that during the incident the customers did not get up from the table and were just watching what happened. They were, however, in a position to see what happened. PO1 was on his radio at that point and § 87(2)(b) heard him saying something about an inspection at the location.

§ 87(2)(b) went outside of the store, called 911, and reported that there were two officers searching her place of business. § 87(2)(b) also told the operator that someone had hit her in the chest, and she requested that additional officers come to the location. After calling 911, § 87(2)(b) went back into the store and told the officers she had just called 911. PO1 then told PO2 to go outside to the car and he would handle the situation. PO2 did as PO1 said. PO1 then tried to talk to her but she did

not want to talk to him. PO1 told § 87(2)(b) that he and PO2 were conducting a business inspection and asked her for identification. § 87(2)(b) refused to give PO1 her ID and PO1 then told § 87(2)(b) he would lock her up if she didn't produce ID. § 87(2)(b) then produced her driver's license. § 87(2)(b) then went back outside to wait for the additional officers she had requested. PO1 also came outside, gave § 87(2)(b)'s ID to PO2, and then went back inside.

Shortly afterward, a police van with four officers arrived at the location. There were two male officers (one white and one black) and two female officers (one white/Hispanic and one black). § 87(2)(b) told the officers that she was the one who called 911, but the officers told her they were going to speak to PO1 because he was in charge. § 87(2)(b) followed the officers inside. The officers spoke to PO1 who told them that they were there to conduct a business inspection. PO1 went into the kitchen and showed the officers cases of beer that were in the refrigerator and on the floor. There was one box of Heineken and one box of Budweiser. § 87(2)(b) told the officers that the alcohol belonged to her, and that she was keeping it at the store for a private party that was to be held in the store in the future. None of the containers were open and that no one had consumed any. PO1 instructed the officers to pack up the beer. The officers did so and then left. PO1 went back outside to the patrol car and retrieved § 87(2)(b)'s identification, as well as several summonses. PO1 returned § 87(2)(b)'s ID and also issued her the summonses (six in total). The following summonses were issued: § 87(2)(b)

After issuing the summonses, PO1 and PO2 left. The entire incident at the store lasted fifteen to twenty minutes. § 87(2)(b) stated that on a prior occasion, other officers had come to § 87(2)(b) and had spoken to her about having alcohol. That time, the officers told her there would not be a problem with the alcohol if it was behind closed doors and was not being sold to customers.

After the officers left, § 87(2)(b) locked up the store and went to the 71st precinct with four of her male friends. When she arrived at the precinct, she told the desk officer that she wanted to file a complaint. The desk officer told her she would need to make a statement. While § 87(2)(b) was writing out her statement, PO1 came up to her and told her that he had already reported the incident to IAB. § 87(2)(b) told PO1 that she did not want to talk to him since he had been at the store. As § 87(2)(b) continued to write out her statement, her phone rang and it was an investigator from IAB. § 87(2)(b) believed that the officer's last name was Clarke. § 87(2)(b) walked outside of the precinct to take the phone call. PO Clarke asked § 87(2)(b) what happened and if she needed an ambulance. § 87(2)(b) told PO Clarke she did want an ambulance, but she did not want to leave the precinct. While § 87(2)(b) was outside the precinct, PO1 also came outside and asked her how her chest was feeling. § 87(2)(b) did not respond, and PO1 said something to the effect of "her business had two strikes and with three he could lock it down". Eventually, an ambulance came to the precinct and two male emergency technicians checked out § 87(2)(b). § 87(2)(b) told the EMTs that she wanted to go to the hospital, but that she did not want to leave the precinct until her report was finished, so the ambulance left. § 87(2)(b) then went into the precinct, finished filling out her report, and then left. PO1 was later identified as Sgt. Eric Delman and PO2 was identified as PO Philip Ditto. At the end of the interview, § 87(2)(b) provided copies of all six of the summonses she received (Enc.16 a-f).

Photo Array (Enc. 15 a-i)

During § 87(2)(b)'s CCRB interview, she was shown photographs of eight officers who might have been involved in her incident. § 87(2)(b) stated that the officer in photograph number four looked like the officer who had struck her in her chest (PO2). That officer was PO Philip Ditto. She identified the officer in photograph number six as the Sergeant (PO1) with whom she interacted at the scene, and then later at the precinct. That officer was Sgt. Eric Delman. § 87(2)(b) also stated the officer in photograph number eight looked like the white male officer who responded to the scene after she had called 911. That officer was PO John Walsh. § 87(2)(b) did not recognize any of the other officers.

Results of Investigation

Witness Statements

At the end of the interview, § 87(2)(b) provided names or nicknames of four of the seven men who were at the store the night of the incident (§ 87(2)(b) and § 87(2)(b). After several contact attempts to all the witnesses, a statement was obtained from § 87(2)(b) (a.k.a. § 87(2)(b).

§ 87(2)(b) (Enc.17)

§ 87(2)(b) provided a statement via phone on August 1, 2005. § 87(2)(b) stated that on April 2, 2005 he was eating crackers and drinking juice at § 87(2)(b) when two officers entered through the front door. The juice bar was open for business and the front doors were unlocked. One of the officers, a Sergeant, walked around to the counter where § 87(2)(b) was standing. § 87(2)(b) was bent down at the refrigerator putting away sodas. The Sergeant used his right hand to push § 87(2)(b)'s left arm and moved her out of the way. § 87(2)(b) then asked the officers for a search warrant and the Sergeant said that he would take care of it. At that point, the other officer (PO2) went toward the kitchen. § 87(2)(b) described PO2 as a white male about 5'4", 25-30 years old, and chubby with glasses. § 87(2)(b) followed PO2 into the kitchen. From where § 87(2)(b) sat at the juice bar, he was able to observe what went on inside the kitchen. He saw § 87(2)(b) stand in PO2's way and try and keep him from looking around. § 87(2)(b) never touched PO2, but that he saw PO2 use his right arm forearm to push § 87(2)(b) out of the way. When PO2 pushed her, § 87(2)(b) lost her balance and fell to the ground. § 87(2)(b) then observed the Sergeant use his radio to tell someone that he was conducting an inspection. PO2 went outside to the patrol car. The Sergeant asked § 87(2)(b) for ID and she provided it for him. The Sergeant then gave § 87(2)(b)'s ID to PO2. Shortly afterward, three other officers arrived (one white male, one Hispanic female, and one black female). The officers spoke with the Sergeant and then went inside the kitchen, gathered up the beer, and took it with them. PO2 then issued § 87(2)(b) several summonses and the officers left.

Officer Statements

PO Philip Ditto

PO Philip Ditto is a § 87(2)(b) old white male, 5'9", 230 pounds, with brown hair and hazel eyes. He provided two statements regarding this incident: one in his memo book on the date of incident (Enc.18 a-c) and the other at the CCRB on August 9, 2005 (Enc.19 a-b).

PO Ditto stated that on April 2, 2005, he worked 17:30 to 02:05 hours assigned to conditions auto, an assignment which addresses quality of life issues. PO Ditto was dressed in uniform, assigned to a marked RMP, and his partner was Sgt. Eric Delman. PO Ditto's memo book entry regarding the incident stated:

22:10 Business inspection § 87(2)(b) Female did not allow business inspection. Female observed going into kitchen hiding alcohol in stove/covering alcohol on side. Female slammed oven door shut while PO was opening it and claimed PO touched her. Obtained ID after numerous requests. 10-19 re: warrant check said establishment is an unlicensed bar and was observed warehousing alcohol in said establishment." At 2216 hours, "business inspection put over." At 2248 hours, "96/98 base to voucher alcohol/beer from said establishment.

PO Ditto stated that on the date of incident Sgt. Delman authorized a business inspection at § 87(2)(b). PO Ditto stated that he had never been to § 87(2)(b) prior to this incident. The community affairs division of their precinct considered the location a chronic problem with warehousing and selling alcohol. PO Ditto and Sgt. Delman arrived at the location at approximately 10:00pm. The establishment was open for business and a male customer was exiting the premises to smoke a cigarette. As the customer came out, the officers entered. There were approximately 4 or 5 patrons sitting about the establishment. One of the patrons appeared to be consuming an alcoholic beverage. § 87(2)(b) was behind the bar and Sgt. Delman informed her that they were going to conduct an inspection of the premises. PO Ditto stated that § 87(2)(b) never asked the officers to identify themselves, and never asked for either of their names or badge numbers. Later in the incident, § 87(2)(b)

§ 87(2)(b) asked the officers if they had a warrant, but PO Ditto stated that a warrant was not required when conducting a business inspection.

After speaking with § 87(2)(b) Sgt. Delman went behind the bar where § 87(2)(b) was standing and observed an empty bottle of Heineken beer on the ground. PO Ditto went into the kitchen and the kitchen door was wide open. § 87(2)(b) who up to this point had been calm and orderly, suddenly became irate and followed PO Ditto into the kitchen. § 87(2)(b) screamed that PO Ditto had no right to be in there and asked him who he thought he was. § 87(2)(b)'s behavior heightened his suspicions. PO Ditto then opened the oven and discovered numerous bottles of alcohol and beer. § 87(2)(b) slammed the oven door shut. PO Ditto then reopened the oven door and informed Sgt. Delman that there was alcohol on the premises. PO Ditto stated that he feared for his safety as § 87(2)(b) followed him around the kitchen screaming. Sgt. Delman had a clear view of the kitchen and joined PO Ditto and § 87(2)(b) when he heard the commotion. When Sgt. Delman entered the kitchen, § 87(2)(b) was still screaming and claimed that PO Ditto had shoved her to the ground. PO Ditto told Sgt. Delman that he never touched § 87(2)(b). § 87(2)(b) came into any physical contact with her, or ever saw her on the ground at any time during the incident. PO Ditto then asked § 87(2)(b) for identification. He had to ask several times before § 87(2)(b) produced her ID. PO Ditto did a warrant check. For safety reasons, PO Ditto and Sgt. Delman went outside to their patrol car. PO Ditto then began to write out several summonses as § 87(2)(b) stood outside of the car screaming, cursing, and pointing at him. Sgt. Delman exited the RMP to ensure § 87(2)(b) did not destroy the evidence. An additional unit was called to the scene to load and voucher the alcohol. PO John Walsh and PO Alanda Corion responded to the location. The alcohol became property of the NYPD, and § 87(2)(b) was not provided with any sort of receipt. PO Ditto exited the RMP and issued summonses to § 87(2)(b) but he did not speak to her. PO Ditto stated that Sgt. Delman never came into physical contact with § 87(2)(b) while behind the bar or at any other time during the incident. PO Ditto issued the § 87(2)(b). At no time did he observe a CPR kit while in the premises. Neither PO Ditto nor Sgt. Delman told § 87(2)(b) she could be arrested if she did not hand over her identification.

PO Ditto stated that § 87(2)(b) later came to the precinct to file a complaint about him. PO Ditto said that he did not see § 87(2)(b) but that his supervisor made him aware that she was making force allegations against him. Because of her allegations, § 87(2)(b) was offered medical attention at the precinct, but she refused it.

Sgt. Eric Delman

On January 11, 2006, Sergeant Eric Delman gave the following statement at the CCRB (Enc.21 a-b):

Sgt. Delman stated that on April 2, 2005 he worked a 14:55 x 23:52 tour as the Conditions Sergeant for the 71 Precinct. He was dressed in uniform, assigned to marked RMP 1826, and was working with PO Ditto. Sgt. Delman's memo book entry regarding this incident (Enc.20 a-b) states:

22:10 Business inspection at § 87(2)(b) Female very combative, angry. Summonses issued for § 87(2)(b)
22:48 96(summons served) by PO Ditto

Sgt. Delman stated that § 87(2)(b) is known to the 71 Precinct for operating an unlicensed bar at § 87(2)(b) under the premise of § 87(2)(b). As a condition, Sgt. , it is his responsibility to perform random business inspections at licensed and unlicensed locations within the confines of the 71 precinct. On the date of incident, Sgt. Delman and PO Ditto went to § 87(2)(b)'s business to conduct an inspection, based on past summonses for unlicensed sale that had been issued to § 87(2)(b). When Sgt. Delman walked into the business he observed approximately four or five individuals sitting at the bar. The business was open. The individuals at the bar were holding cups with beverages in them. He smelled alcohol in one of the cups. He walked over to § 87(2)(b) identified himself, and asked her if she minded if he performed a business inspection. § 87(2)(b)

said something to the effect of “not at all”. At that point, PO Ditto walked towards the kitchen in the back. § 87(2)(b) followed after PO Ditto and some commotion ensued. Sgt. Delman stated that he was not in the kitchen at this point but was able to observe some of what was going on through an open door with a window to the kitchen. When Sgt. Delman entered the kitchen, he observed § 87(2)(b) attempting to push PO Ditto out of the way. Sgt. Delman also observed a substantial amount (more than 20 bottles) of beer in the oven and several bottles of champagne on a shelf to the left. Everything was in plain view. Sgt. Delman also noted that § 87(2)(b) was very irate at PO Ditto and that he (Sgt. Delman) attempted to calm her down. Sgt. Delman and PO Ditto then went outside, as did § 87(2)(b). § 87(2)(b) was screaming and yelling at the officers. Sgt. Delman stated that he informed § 87(2)(b) that she was going to be issued a few summonses and that she needed to stop yelling. He also told § 87(2)(b) that if she continued to behave in this manner she would be placed under arrest. PO Ditto then issued § 87(2)(b) summonses for § 87(2)(b). Sgt. Delman confirmed that § 87(2)(b) did not have a license to sell alcohol, nor did she have a CPR kit as required. Later that same day, Sgt. Delman saw § 87(2)(b) at the precinct. He stated that she was acting very hysterical and was complaining of some type of chest pain.

Sgt. Delman had not interacted with § 87(2)(b) before, but his special operations Lieutenant had informed him that § 87(2)(b) had a history of selling beer without a license. The Lieutenant had informed him that § 87(2)(b) had a history of “fainting and acting crazy and doing a whole fainting thing”. Sgt. Delman added that he has since interacted with § 87(2)(b) at her place of business. He stated that he again found alcohol, but only issued her a warning.

Sgt. Delman stated that neither he nor PO Ditto pushed or shoved § 87(2)(b). He also stated that, other than telling § 87(2)(b) she could be arrested if she continued to yell in the street, he did not threaten to arrest § 87(2)(b). Finally, Sgt. Delman stated that, to his knowledge, PO Ditto did not refuse to provide his name and/or shield number to § 87(2)(b).

Medical Records

Although § 87(2)(b) claimed that she had chest pains following the incident, she refused medical treatment when an ambulance arrived at the precinct to treat her because she wanted to finish her report. After finishing her report and leaving the precinct, however, § 87(2)(b) still did not seek medical treatment. Therefore, there are no medical records.

Communications Records

SPRINT (Enc23 a-b.)

The following is a transcription of SPRINT #§ 87(2)(b)

Saturday, April 2, 2005

§ 87(2)(b)

10:16pm- 71ST3.

10:21pm- CW warrant check at location.

10:30pm- 71SP7.

10:30pm- 911 call, female caller states officers are in front of her store- running her plate and searching her car. Female caller states one officer pushed her. Tried to connect female caller to IAB, Officer Clark, but female caller hung up. Ani Ali § 87(2)(b)

10:48pm- 71ST3, summons served.

10:51pm- 71 conditions sergeant notified of details of job via LL § 87(2)(b)

10:53pm- Spct McDuffie notified.

Communications CD (Enc24 a-b.)

On April 2, 2005 at 10:17PM a female caller with a strong Jamaican accent stated that she had called 911 awhile ago. Address provided as § 87(2)(b). Caller stated that officers were running around her business writing tickets. All of her witnesses are right there. She wanted to know what kind of inspection they were doing without a warrant. Caller also stated that one of the officers pushed her. Call was transferred to IAB, and the caller hung up. Ani Ali number § 87(2)(b).

Police Documents

Command Log (Enc.25)

The command log entry at 23:10 on April 2, 2005 reads:

“CCRB: § 87(2)(b) female black age 30 § 87(2)(b)
§ 87(2)(b) Present at 71 station house to report a CCRB against MOS 4/2/05.

Criminal History of Civilian

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Officers' CCRB History

Neither Sgt. Delman nor PO Ditto has any substantiated CCRB allegations (Encs. 6,7).

Status of Summonses

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Conclusions and Recommendations

Officer Identification

In call to IAB on the date of incident (Enc.9 a-c), § 87(2)(b) identified the two officers who inspected her business both by name and by badge number. § 87(2)(b) stated that one officer (with the three stripes on his arms) was named Delman and his badge number was 1832. The other officer was named Ditto and his badge number was 2683. The badge numbers that § 87(2)(b) provided correspond with Sgt. Delman's and PO Ditto's badge numbers. In a photo array (Enc.15 a-i), § 87(2)(b) correctly identified both Sgt. Delman and PO Ditto as the two officers who were present at the scene that day. Additionally, both Sgt. Delman and PO Ditto confirmed that they inspected § 87(2)(b) s § 87(2)(b) on the date of incident and the summonses that § 87(2)(b) received were all issued by PO Ditto and bear his name and tax ID number.

Undisputed Facts

On the date of incident, Sgt. Delman and PO Ditto performed a business inspection at § 87(2)(b) s Eat and Drink Juice Bar. In the course of the inspection, the officers recovered several boxes containing bottles of alcohol.

Disputed Facts

§ 87(2)(b) states that her business was closed when the officers performed the inspection. She alleges that Sgt. Delman pushed her out of the way and that PO Ditto pushed her to the ground. § 87(2)(b) also claims that PO Ditto refused to identify himself and that Sgt. Delman threatened to arrest her.

Credibility

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b) In her initial call to 911, § 87(2)(b) stated that the officers were searching her car, but in her subsequent statements, she made no mention of a vehicle search. Also, in her CCRB statement and her phone interview, § 87(2)(b) alleged that Sgt. Delman pushed her, but in her call to IAB and her civilian complaint report § 87(2)(b) only alleged that PO Ditto had pushed her. § 87(2)(g)

§ 87(2)(b) herself stated that officers had been to the juice bar on previous occasions regarding alcohol on the premises, but that on prior occasions she had not received summonses. § 87(2)(g)

§ 87(2)(b) supported § 87(2)(b)'s claim that Sgt. Delman and PO Ditto both pushed her. He contradicted § 87(2)(b)'s claim that the juice bar was closed. § 87(2)(g)

Sgt. Delman and PO Ditto

§ 87(2)(g)

Allegation A: Sgt. Eric Delman entered and searched § 87(2)(b)

Allegation B: PO Philip Ditto entered and searched § 87(2)(b)

Kamin's Search and Seizure regarding Public Areas of Business (Enc.1 a-b) notes that, "New York courts have uniformly held that a police officer may enter commercial premises during regular business hours; he has the same right as any other citizen to enter and make observations. This rule applies to legitimate businesses, social clubs open to the public, and seemingly legitimate businesses, social clubs open to the public, and seemingly legitimate businesses that are a front for illegal operations. A police officer also has the right to enter premises where the public is permitted entry despite the appearance that no business is being conducted within."

§ 87(2)(b) claimed that her business was closed when the officers performed the inspection. Both officers and § 87(2)(b) however, stated that the business was open. § 87(2)(g)

Allegation C: PO Philip Ditto refused to provide his name and shield number to § 87(2)(b)

§ 87(2)(b) stated that when she asked PO Ditto to identify himself he did not respond. PO Ditto stated that § 87(2)(b) never asked either he or Sgt. Delman to identify themselves. Sgt. Delman stated that, to his knowledge, PO Ditto did not refuse to identify himself. § 87(2)(g)

Allegation D: Sgt. Eric Delman used physical force against § 87(2)(b)

In her phone statement and in her CCRB interview, § 87(2)(b) alleged that Sgt. Delman pushed her out of the way when he walked behind the counter of her store. In her call to IAB, the complaint she filed at the precinct, and her initial intake call to the CCRB however, § 87(2)(b) only stated that PO Ditto pushed her. § 87(2)(g)

Allegation E: PO Philip Ditto used physical force against § 87(2)(b)

§ 87(2)(b) alleged that PO Ditto pushed her and caused her to fall to the ground. § 87(2)(b) stated that she was injured from the incident and complained of chest pains when she filed her complaint at the precinct. When an ambulance arrived at the precinct however, § 87(2)(b) refused treatment and told the paramedics that she did not want to go to the hospital until she finished filing her report. Even after § 87(2)(b) filed her report and left the precinct, she did not seek medical treatment. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: